

The bottom line: This announcement is a good announcement. I hope the markets will heed it. I hope the Saudis will repeat it. I hope, as a result, the price of oil will come down. It is the best news on a very bad front; that is, of rising gasoline prices, that we have had in a very long time. Let us hope it brings together some good news.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTER ID

Mr. CORNYN. Mr. President, there they go again. On Monday the Justice Department, under Attorney General Eric Holder, added another account to its litany of shameful actions by refusing to preclear a commonsense Texas State law that would require all voters to show a photo ID prior to casting their vote. The Justice Department's refusal to preclear this change in Texas law by the Texas Legislature is simply inexcusable. The Texas voter ID law is constitutional, and it is a popular measure necessary to protect the integrity of the Texas election process.

This is not and should not be a partisan issue. The polling I have seen shows that Republicans, Democrats, and Independents in the 70 percent range all agree that voter ID laws are commonsense responses to the concerns many have about the integrity of the election process. But, unfortunately, I can only conclude that Attorney General Holder and the Justice Department have chosen the low road of politics as opposed to the high road of the rule of law. I believe, unfortunately, the evidence supports the conclusion that this represents the lowest form of identity politics. In the face of high gas prices, the sluggish economy, and a struggling and rising national debt, the Obama administration has used every tool in its political toolbox to try to distract the American people from their priorities—jobs, the economy, and debt—and, unfortunately, divide the American people while they distract them from the real issues.

Political games should not force the State of Texas or any other State to spend its taxpayer dollars suing the Department of Justice in Federal court, which it now must do, to enforce a State law that is clearly constitutional. One does not have to take my word for it—just read an opinion by Justice Stevens in 2008 upholding the constitutionality of a similar Indiana law. It is nearly identical to the one in Texas, and it is justified by a valid interest in protecting the integrity and reliability of the electoral process.

But the Justice Department continues to insist there is something wrong with requiring every voter to prove their identity before they vote, just as you are required to do before you board an airplane, buy a pack of cigarettes at a convenience store, or buy a six-pack of beer at that same convenience store. If you look on the Web site of the Department of Justice, in order to gain entry to the Department of Justice building, you need—you guessed it—a photo ID. Well, this may sound like common sense. Common sense is evidently not that common at the Department of Justice these days.

You would have to be blind to reality to deny that a significant amount of voter fraud exists in the United States. Every State has had its experience with voter fraud.

In Texas, back in the famous Box 13 election between Coke Stevenson and Lyndon Johnson for the U.S. Senate, they found a number of votes from voters who were not even alive—dead votes. Perhaps one of the most recent books on this was written by John Fund in 2008, a book called “Stealing Elections: How Voter Fraud Threatens Our Democracy.” In that book Mr. Fund demonstrates why the American people and Texans fear that their legally cast vote will be diluted with the vote of people who are not legally qualified to cast a vote.

Unfortunately, we also know that identity theft is rampant. We have seen this in our broken immigration system, where people claim Social Security numbers and identification that is not their own but is actually someone else's. It is also very difficult to prove because often the legal authorities lack what they need in order to dispute a voter's identity, thus the need for a government-issued photo ID. As a result, officials frequently hesitate to accuse someone of casting an illegal ballot even when they are almost certain a crime is being committed. It is easy for identity thieves to use another person's voter certificate to fraudulently cast a ballot when there is no real requirement for voters to prove their identity. We should be all about making their job more difficult, not easier.

Every case of actual, alleged, or perceived voter fraud has the potential to drive prospective voters out of the Democratic process, undermine the legitimacy of our government, and swing the results in close elections. The Texas voter ID law is necessary to prevent these evils.

This administration would have you believe that State ID laws are intended to drive down the turnout among certain ethnic groups, but this could not be further from the truth. If people are legally qualified to vote, this is a law designed to protect their rights and to make sure their vote counts and that in a close election it will not be swung by people who have no legal right to vote.

In fact, in their own letter to the Texas secretary of state, the Justice

Department presented no evidence—zero, zip, nada—of discriminatory intent in the Texas voter ID law. This is because the law was clearly intended to uphold the sacred principle of “one person, one vote” and is narrowly tailored to avoid all retrogressive effects on voting rights. For example, under Texas law every registered voter is entitled to receive a photo identification card free. So if you don't have a driver's license and you don't have any other form of photo ID, you can get one for free. It also exempts from its requirement anybody above the age of 70. What is more, let's say election day comes and you don't have a photo ID, but you want to vote. You can cast a provisional ballot even without a photo ID just so long as you come back within 6 days and produce one showing that you are who you say you are and thus prove you are legally qualified to vote. The Texas voter ID law will also make sure no legitimate voter is caught off guard by requiring the State to inform and educate all citizens as to what the new law requires.

Despite these multiple layers of protection, the Justice Department insists on pushing their false narrative that this law will somehow suppress legitimate voter turnout. Just the contrary is true. The only votes this ID law will suppress are those people who have no legal right to vote, and it will protect and preserve the right of legitimate voters to cast their vote undiluted by votes of people who are not qualified to vote.

We also know there is data from States that have recently passed voter ID laws that demonstrates there is no evidence whatsoever to support the claim of the Department of Justice that it will somehow potentially suppress minority votes. For example, in Indiana the subject of the Supreme Court decision in 2008 was an Indiana voter ID requirement. Election data in Georgia shows that turnout has increased since the passage of these commonsense photo ID requirements.

The data also shows that the voter ID laws in Georgia and Indiana had no negative impact on minority groups. These findings should be unsurprising given some of the research that has been conducted by a number of universities, including the University of Missouri, the University of Delaware, and the University of Nebraska, among others.

Research compiled by the University of Denver and the University of Nebraska from 2000 to 2006 leaves no doubt about the conclusion. They say: “Concerns about voter identification laws affecting turnout are much ado about nothing.”

In spite of these facts, in spite of the evidence, in spite of the law, the Holder Justice Department continues to cling to their false narrative, claiming that Texas has not demonstrated significant enough evidence of voter fraud to justify its voter identification law. That turns the law of the land on its head.

Texas is not required to prove to the satisfaction of Eric Holder and the Justice Department that there is sufficient basis for them to pass a State law. As the occupant of the chair knows as a former attorney general of his State, the burden is on those who would contest the constitutionality of the law to prove it is unconstitutional or to otherwise prove that it violates Federal law. Under Attorney General Holder's view, the State of Texas and any State that passes a voter ID requirement is presumed guilty until proven innocent. As I said, that turns the legal question on its head. It is exactly the opposite of what it should be.

The Department of Justice also conveniently fails to mention that voter impersonation is almost impossible to detect or prove without a photo ID requirement such as the one passed by the Texas legislature. They similarly fail to mention that this type of law is perhaps the best way—the least burdensome way, the least intrusive way—to eliminate in-person voter fraud. Why would the Justice Department want to prevent States such as Texas from enforcing laws that help detect and deter voter fraud? I can't find an answer to that any other way other than to say that it is pure politics.

The Federal Government should be doing everything in its power to encourage States to protect the integrity of the ballot, to make sure that every legitimate voter's vote counts and is not diluted by the illegal vote of someone who is not qualified under the law to cast a ballot. Instead, Eric Holder's Justice Department is throwing up roadblocks to those State-based efforts to protect the integrity of the election process, forcing my State and taxpayers in my State to waste money to try to go to court and now to override his decision, which the Court will do. Why will they do that? How can I be so sure? Because the U.S. Supreme Court is the law of the land, not Eric Holder and not the Justice Department, and the Supreme Court has spoken on this issue. But that is irrelevant to Mr. Holder and the Justice Department, so my State has to spend—waste, really—taxpayer money to defend this legitimate and evenhanded requirement when we should be focusing on other important issues.

This Washington game of divisive identity politics is reprehensible, and Attorney General Holder should be ashamed of himself for engaging in it. I hope my colleagues will join me in calling on Attorney General Holder to respect the rights of the people of Texas and of their States by reversing his decision to block our commonsense voter identification law.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

The Senator from New York is recognized.

JUDICIAL NOMINATIONS

Mr. SCHUMER. Mr. President, I rise today to praise the majority and minority leaders for coming together to make sure we get our pending judicial nominees confirmed in a timely manner.

Today, the Senate is back on track to do what we have always done for decades: confirm judicial nominees—the vast majority of whom are totally uncontroversial—as part of our day-to-day business.

Thanks to the hard work of the leaders of both caucuses, and to Chairman LEAHY, who has been persistent and smart and focused on this issue, we were able to avoid having 17 cloture votes this afternoon on judicial nominees—most of whom were unopposed; 13, in fact, were supported by their Republican home State Senators.

While the details of the agreement have not yet been announced publicly—and they will be by Senator LEAHY and Leader REID and Senator MCCONNELL—we know there is an agreement, and that is a good thing.

The bottom line is, I hope we can continue at least at the same pace, when we have cleared the backlog that has existed.

Let's be clear: This is what doing our job is, and it is doing exactly what we have done literally for decades—nothing more, nothing less. I suppose each side could point fingers at the other as to why this degenerated, but that is not the point today. The point today is that we have come to an agreement and, hopefully, it will set the ball rolling on much smoother approvals of judicial nominees in the future, with less altercation, more comity, and actually filling the bench more quickly.

There are more judicial vacancies now than at any time in recent history. One out of every 10 judgeships is empty. As a result of these vacancies, families and business must wait sometimes over 2 years before their civil trial can even start. Even worse, it cost the government \$1.4 billion in 2010 alone to detain inmates awaiting trial because there were not enough Federal judges to hear their cases.

The agreement we have reached to work through these judges is certainly not an attempt to jam judges through the process. In one day in 2002—we were here in the Senate—we confirmed 17 district court nominees and 1 circuit court nominee.

I am glad we have come to an agreement. I want to give special thanks to my good friend, Senator ALEXANDER of Tennessee. He and I have talked about this for a long time. I know he has talked to Senator MCCONNELL. I have talked to Chairman LEAHY and Leader REID. His encouragement to move us forward has been very helpful indeed.

Let us talk just about district court nominees for a moment.

The vast majority of Americans want us to confirm good, moderate, pragmatic judges to the U.S. district courts—exactly the nominees whom this President has put forward. After all, judges on the district court do not make law. Courts of appeals and the Supreme Court have a little more latitude, depending on the case.

I have said time and time again—I will say it again—the Senate has an obligation to take a hard look at the President's judicial nominees. My view remains that ideology does matter. Every Senator here has the right to make sure that a President's judicial nominees are within the mainstream. And the definitions of “mainstream” sometimes differ. We know that.

There will always be nominees—especially to the courts of appeals—about whom we will disagree. There will even be those who some of us view as so extreme, on either side, that we will refuse to give our consent to holding an up-or-down vote.

But there is a hard look, and then there is purposeful delay, and we have to avoid that by either party at all costs. We need to get the process moving again. When nominees come out of the Judiciary Committee unanimously or by an overwhelming bipartisan vote, there is no reason they cannot be approved on the floor a few days later.

We have come together today. I know we can continue in the future to agree to confirm qualified judges without further obstruction, without furthering the view “it is my way or the highway.”

I wish to mention one specific way I think we can move forward on judicial confirmations in a meaningful and useful way. In the past, we have cleared the calendar of nominees on whom there is a consensus before going out for recess. Lately, we have not done that. As a result, there were 20 nominees who did not get confirmed before last August and 10 from December.

I hope wherever we are at the end of the summer, we can agree to confirm consensus nominees—those who got unanimous support or close to it—as we always have in the past and fulfill our obligation to the third branch of government.

One other point. Today, this morning, we passed a highway bill, overwhelmingly. It was led by Senator BOXER, one of the most liberal Members of this body, and Senator INHOFE, one of the most conservative. This afternoon, we are going to hear an announcement of specifics of an agreement to move judges forward. Tomorrow, we will be working on a jobs bill that, while there are differences in the specifics, has broad bipartisan support and consensus.

Perhaps an idea; a moment of greater comity that we have seen this week is not just momentary but will last on into the future. The lesson the American people taught us is they do not